

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDULLAH BILAL,)	Case No. 04-2507-JLR-JPD
)	
Plaintiff,)	
)	
v.)	
)	ORDER GRANTING MOTION
JOSEPH LEHMAN, et al.,)	TO APPOINT COUNSEL
)	
Defendants.)	

Plaintiff is proceeding pro se and in forma pauperis (“IFP”) in this 42 U.S.C. § 1983 civil rights action against several employees of the Washington Department of Corrections. This matter comes before the Court upon plaintiff’s October 11, 2005, Motion To Appoint Counsel. Dkt. No. 21. In it, plaintiff argues that counsel should be appointed, because (1) he is indigent; (2) he has been unable to hire an attorney; (3) the issues in his case are complex; and (4) he has no knowledge of the law. *Id.* Defendants respond that plaintiff is not entitled to counsel, because he has had no difficulty presenting his claims. Dkt. No. 22. They also argue that the mere fact plaintiff is indigent and incarcerated does not entitle him to court-appointed counsel. *Id.* Having carefully reviewed plaintiff’s motion, defendants’ response, and the record, the Court ORDERS:

(1) Plaintiff’s Motion To Appoint Counsel, Dkt. No. 21, is GRANTED. Although there is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983, the Court has discretion to request that counsel represent a party proceeding IFP under exceptional

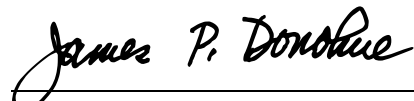
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01 circumstances. 28 U.S.C. § 1915(e)(1); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.
02 1986); *U.S. v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995); *Terrell v.*
03 *Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). A finding of exceptional circumstances requires
04 an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to
05 articulate his claims pro se in light of the complexity of legal issues involved. *Wilborn*, 789
06 F.2d at 1331. Neither of these considerations is dispositive; rather they must be considered
07 together. *Terrell*, 935 F.2d at 1017. Although plaintiff's pleadings demonstrate a basic
08 understanding of law and an ability to articulate his claims, his pleadings raise a complex issue.
09 Therefore, plaintiff has sufficiently demonstrated that his case involves exceptional
10 circumstances that warrant appointment of counsel.

11 (2) The Clerk is directed to appoint counsel and to send a copy of this Order to
12 plaintiff, counsel for the defendants, and to the Honorable James L. Robart.

13 (3) All noting deadlines and noting dates shall be stricken and will be reset by the
14 Court after counsel has been appointed. The noting date for the petitioner's pending Motion
15 For Extension of Time To Complete Discovery, Dkt. No. 23, is stricken and the motion is
16 stayed pending appointment of counsel.

17 DATED this 2d day of November, 2005.

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19 JAMES P. DONOHUE
20 United States Magistrate Judge
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